APPENDIX "A".

AN ACT *authorizing cities, towns and villages to build, purchase or extend water works systems for public and domestic use and to provide for the cost thereof.*

Approved April 22, 1899. In force July 1, 1899. L. 1899, p. 104.

¶ 1087. CITIES, ETC., MAY ACQUIRE WATER-WORKS—PAYMENT FOR, HOW MADE.] Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every city, incorporated town and village in this State, is hereby authorized to acquire water works for supplying water for public use, and for domestic use of its inhabitants by building or purchasing a water works system or enlarging or extending an existing system. In payment for such building, purchase or enlargement any such municipality may issue certificates of indebtedness limited in their payment solely to the water fund hereinafter provided for; such certificates may bear interest at a rate of not exceeding six per centum per annum, payable semi-annually, and shall only be issued at not less than par value in payment for the building, purchase or extension of a water works system.

¶ 1088. HOW TO AVAIL OF ACT.] § 2. Any such municipality desiring to avail itself of the provisions of this act shall first pass an ordinance fixing in a general way the capacity of the water works system it is proposed to acquire, and referring to the plans and specifications therefor which shall be open to the inspection of the public; which said ordinance shall fix the rates at which water is to be supplied for all private purposes, and

said rates so fixed, shall not thereafter be reduced until the certificates issued for acquiring or enlarging the water works, and the interest thereon, are fully paid. Which said ordinance shall be published in a newspaper published in such municipality at least one in each week for three successive weeks. And if no petition shall be filed with the clerk of such municipality as hereinafter provided, within twenty-one days after the first publication of said ordinance, then the corporate authorities may proceed to carry out the provisions of the ordinance. But if within said period of twenty-one days there shall be filed with the clerk of such municipality a petition, signed by twenty per cent of the number of voters voting for presiding officer of the legislative body of such municipality at the next preceding general city, town or village election, asking that the question of acquiring or enlarging a water works system be submitted to a vote, It shall then be the duty of the legislative body of such municipality to call a special election in the manner provided by law to vote upon such question, and if it appear that a majority of the voters voting upon such question at such election vote in favor of acquiring or enlarging the water works, then said ordinance shall be in full force and effect and the corporate authorities may proceed to carry out the provisions thereof, but if a majority of the votes cast are against such acquiring or enlarging, then said city, incorporated town or village shall proceed no further for the period of six months next ensuing.

¶ 1089. PROCEEDS OF OPERATION, HOW EMPLOYED.] § 3. Whenever any such municipality shall avail itself of the provisions of this act, the entire proceeds arising from the operation of the water works system thereof shall be paid into a fund known as the "water fund" and which fund shall be and remain inviolate until the cer-

tificates issued under the terms hereof and the interest thereon is fully paid, and the treasurer of such municipality shall not pay any warrants drawn on said fund unless the same be drawn in payment of the necessary operating expenses of such water works system, or in payment of the certificates issued hereunder or the interest thereon.

¶ 1090. MORTGAGE OF WATER-WORKS.] § 4. In order to secure in the most ample manner the payment of the water certificates authorized as aforesaid, any such municipality may convey by way of mortgage or deed of trust the water works system so acquired or enlarged which said mortgage or deed of trust shall be acknowledged and recorded in the same manner as mortgages of real property, and which mortgage or deed of trust may contain such provisions and conditions as are reasonably necessary to fully secure the payment of said water certificates.

¶ 1091. DEFAULT IN PAYMENT OF WATER CERTIFICATES—FORECLOSURE—SOLICITOR'S FEE—DECREE—SALE—RIGHTS AND DUTIES OF PURCHASER.] § 5. Whenever, and as often as default shall be made in the payment of water certificates issued as aforesaid, and such default shall continue for the space of ninety days. It shall be lawful for said mortgagee or trustee to declare the whole of the principal and interest of such certificates at once due and payable, and proceed to foreclose the same in any court of competent jurisdiction, and in any degree to be rendered in such suit of foreclosure there shall be included a reasonable solicitor's fee for the complainant's solicitor, and such decree shall fix reasonable rates for water furnished from said water works system for public uses during the time that such municipality shall be deprived of the possession thereof as hereinafter provided, and upon any sale under such decree of fore-

closure the person or corporation offering to satisfy said decree for the rents, incomes and profits of said water works system for the least number of years not exceeding fifty, shall become the purchaser thereof, and on satisfying said decree shall be let into the use, occupation and enjoyment of said water works system during the period of time for which the same were sold, and during such period such purchaser or assigns shall be entitled to receive and collect for water furnished for private uses the rates prescribed in the ordinance provided for in section 2 of this act, and shall be entitled to receive and collect the reasonable rates fixed for the public uses of water in such decree. At the end of said period said purchasers or assigns shall deliver said water works system to such municipality in as good condition as when the same was received, ordinary wear and tear excepted.

¶ 1092. LIMITATION UPON POWERS OF MUNICIPALITY AND PURCHASER AT FORECLOSURE SALE.] § 6. During the period of time when the purchaser at such foreclosure sale shall be entitled to the use and enjoyment of said water works system, it shall not be competent for such municipality to construct or authorize any other person or corporation to construct a competing system of water works, nor shall it be competent for the purchaser at such foreclosure sale, or assigns, to extend the water works system so purchased, except upon such terms as such municipality may authorize.

¶ 1093. CONSTRUCTION.] § 7. This act shall be deemed and construed to confer powers in addition to, but not limiting, those now existing.